



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,310	03/14/2000	Lennart Braberg	KRNOS-009XX	8521

207 7590 04/16/2003

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP  
TEN POST OFFICE SQUARE  
BOSTON, MA 02109

EXAMINER

JASMIN, LYNDIA C

ART UNIT PAPER NUMBER

3627

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/524,310

Applicant(s)

BRABERG ET AL.

Examiner

Lynda C Jasmin

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 9-33, 35 and 36 is/are allowed.
- 6) ☒ Claim(s) 34 and 37-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3627

### DETAILED ACTION

1. Amendment received on October 24, 2002 has been acknowledged.
2. The 35 USC § 112 ¶1 rejection of claim 24, and the objection to the drawings have been withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 34, 37-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynn et al. (5,717,867).

Art Unit: 3627

Wynn et al. discloses a system and method of calculating time and attendance and computer useable medium having computer program for doing the same and a data signal embodied in a carrier wave (101) including in a processor (104), associating sets of attributes (overtime, holiday, special event, job change or different job classification etc.) with pay categories (resulting in accounting changes and pay roll changes). Splitting the employee's shifts (regulation shift hours) into subshifts (such as particular shifts in Hours B) responsive to work parameters (as illustrated in figures 6 and 8), where for each subshift determining a set of attributes for the subshift and determining compensation for the employee (overtime pay rates and/or special pay) for the subshift responsive to an assigned pay category (col. 28, lines 26-35). The set of attributes is a unique combination of attributes (such as overtime, holiday pay or special job). The work parameters have at least one of a workplace rules, scheduled time, holiday calendars, dates and times of the shift (as described in the employee's file) (see col. 28, lines 6-11). A user- configurable mapping, which maps each set of attributes (special job) to at least one pay category (col. 9, line 19 through col. 10, line 8), and means that determines the pay category with which the set of attributes is associated responsive to the mapping (col. 10, lines 2-8).

Wynn et al. further discloses punch in/out information collected by a reader encoded swiped cards (figures 3A and 3B). The punch information is stored in the database of computer (104), and collects in/out information of each employee. Also, Wynn et al. provides a system that set a threshold for a first pay

Art Unit: 3627

category (regular pay) and defines an overflow pay category (for example overtime rates) as illustrated in Hour A, B, C data structure which are used to generate accounting and payroll records.

Wynn et al. does not explicitly disclose a method and system for calculating employee's compensation and that employee's actual compensation is calculated based on actual attendance and applicable compensation rules collected from punch information with any or all of IN/OUT information, timestamps, and break indications.

However, the time and attendance system Wynn et al. take into account special event with different pay rates based on employee's reports to calculate both the regular employee payroll and special pay rates.

From this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to clearly identify employee's compensation based on Wynn et al. different hourly wage when performing a different job in order to reward an employee.

***Allowable Subject Matter***

6. Claims 1-7, 9-33, 35 and 36 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record fails to teach or suggest a compensation qualifier associated with each pay category, determining employee's compensation, employee's base pay and compensation qualifier

Art Unit: 3627

associated with an assigned pay category as newly recited in each independent claims 1, 33, 35, and 36.

### ***Response to Arguments***

8. Applicant's arguments filed October 24, 2002 have been fully considered but they are not fully persuasive.

9. In response to applicant's argument that Wynn et al. fails to teach "a user-configurable mapping which maps each set of attributes to at least one pay category." The examiner respectfully disagrees. During examination, claims are given their "broadest reasonable interpretation, thus Wynn et al. discloses functions (such as SPECIAL EVENT, JOB CHANGE) where employee's time is charged to the department or division of the company based on the special job assigned to a particular time clock.

10. Applicants' arguments regarding claims 34, 37 59 and 60 having been found unpersuasive, the rejection has not been withdrawn.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Swart (6,347,306) discloses net pay calculation for work segment completed by an employee upon entry of shift completion.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

Art Unit: 3627

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda C Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.

Lynda C Jasmin  
Examiner  
Art Unit 3627

lj  
April 8, 2003

  
Kenneth R. Rice  
Primary Examiner 4/14/03